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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>11/28/2007</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This office action is responsive to communications filed on 11/16/2007.

Claims 1-37 are pending and have been examined.

2.   The information disclosure statement (I.D.S) filed on 11/28/2007 is

considered.

Specification

3.   The specification is objected to as failing to provide proper antecedent

basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP

§ 608.01(o). Correction of the following is required: Claims 26-36 recites the

term "computer readable storage medium", which is not explicitly defined in the

specification.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

5.   **Claims 26-36** are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

With regard to **claims 26-36,** the instant claims are directed toward a

computer readable storage medium comprising computer readable code,

wherein the computer readable storage medium is not defined in the

specification, thus the term "computer readable storage medium" is given the

broadest reasonable interpretation. In the instant case, it would appear to be

reasonable to interpret these medium for carrying as fairly conveying signals and

other forms of propagation or transmission media to one of ordinary skill, which is

nonstatutory.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-5, 8-10, 19, 22, 23, 26-28, 31-33 and 37 are rejected under 35

U.S.C. 102(e) as being anticipated by **Talwar et al. (publication no.: US**

2005/0027863 A1).

        With respect to **claim 1,** Talwar teaches a global on-demand management

apparatus for user control of a system resource on a grid computing system

(Talwar, fig. 1, page 1, paragraph 12), the apparatus comprising:

        a global user input module configured to allow a user to input a parameter

control request (Talwar, page 1 paragraph 12, and page 2, paragraph 16, noted

the DRM node receives inputs), the parameter control request corresponding to a

performance parameter stored in a profile in a memory device of the grid

computing system (Talwar, page 1, paragraph 12, noted that information service

stores information about resources in the system);

a global parameter module configured to dynamically change the

performance parameter according to the parameter control request, the

performance parameter corresponding to a performance resource (Talwar, page

2 paragraphs 16-17, and page 3 paragraph 28, noted that the SLA/contract

generation engine can dynamically generate the available resource for the clients

based on the client's request); and

a global reservation module configured to reserve the performance

resource for a grid computing operation (Talwar, page 2 paragraph 16 and page

3 paragraph 28, noted that the DRM module matches the user's requirement in

order to reserve and allocate available resource to interact with end-user.).

With respect to **claims 2 and 3,** Talwar teaches the apparatus of claim 1,

wherein the performance parameter is a network performance parameter,

wherein the network performance parameter is one of network accessibility,

network bandwidth allocation, and grid allocation hierarchy (Talwar, page 2,

paragraphs 16-17, noted that the SLA specifies network bandwidth requirements

needed for the session to interact with client).

With respect to **claims 4 and 5,** Talwar teaches the apparatus of claim 1,

wherein the performance parameter is a client performance parameter, wherein

the client performance parameter is one of client accessibility, client bandwidth

allocation, processor allocation, storage allocation, memory allocation, backup

recoverability, and backup proximity (Talwar, page 2, paragraphs 20-22, noted

that the user specifies the bandwidth and other resources needed for the

requested session).

With respect to **claim 8,** Talwar teaches the apparatus of claim 1, further

comprising a global profile management module configured to store a network

profile (Talwar, page 2 paragraph 16 and paragraph 23, noted the authorization

policies), the network profile comprising a network performance parameter of a

network performance resource available to the grid computing system (Talwar,

page 2, paragraphs 16-17).

With respect to **claim 9,** Talwar teaches the apparatus of claim 1, further

comprising a global profile management module configured to store a global

client profile, the global client profile descriptive of a global client performance

resource parameter (Talwar, page 3, paragraph 28, noted the user membership

directory).

With respect to **claim 10,** Talwar teaches the apparatus of claim 1, further

comprising a global profile management module configured to store a plurality of

client profiles, each of the plurality of client profiles comprising a client

performance parameter of a client performance resource available to the grid

computing system (Talwar, page 3, paragraph 28, noted the user membership

directory).

With respect to **claim 19,** Talwar teaches a system for user control of a

system resource on a grid computing system, the system comprising:

a local on-demand management apparatus connected to the grid

computing system, the local on-demand apparatus having local access to and

control of a performance resource (Talwar, page 2 paragraph 16, and page 3

paragraph 28, noted that the end-user submits request to DRM module and

specifies a list of desired application/resource to interact with);

a global on-demand management apparatus connected to the grid

computing system, the global on-demand apparatus configured to communicate

with the local on-demand apparatus (Talwar, page 1 paragraph 12, and page 2,

paragraph 16, noted the DRM node receives request from end-user);

a user input module configured to allow a user to input a parameter control

request, the parameter control request corresponding to the performance

resource (Talwar, page 2 paragraph 16, and page 3 paragraph 28, noted that the

end-user submits request to interact with DRM module); wherein the

performance resource corresponds to a performance parameter stored in a

profile in a memory device of the grid computing system (Talwar: fig. 3, page 2,

paragraphs 16, 20-22);

an allocation module configured to allocate the performance resource to

the grid computing system; and a reservation module configured to reserve the

performance resource for a grid computing operation (Talwar, page 2 paragraph

16 and page 3 paragraph 28, noted that the DRM module matches the user's

requirement in order to reserve and allocate available resource to interact with

end-user).

With respect to **claim 22,** Talwar teaches a method for user control of a

system resource on a grid computing system, the method comprising:

allowing a user to input a parameter control request, the parameter control

request corresponding to a performance parameter stored in a profile in a

memory device of the grid computing system (Talwar, page 2 paragraph 16, and

page 3 paragraph 28, noted that the end-user submits request and specifies a list

of desired application/resource to interact with);

dynamically changing the performance parameter according to the

parameter control request, the performance parameter corresponding to a

performance resource (Talwar, page 3, paragraphs 27-28, noted that the contract

engine, which is based on the end-user's request can be generated dynamically);

and

reserving the performance resource for a grid computing operation

(Talwar, page 2 paragraph 16 and page 3 paragraph 28, noted that the DRM

module matches the user's requirement in order to reserve and allocate available

resource to interact with end-user).

Regarding **Claims 23,** the claim limitations of this claim is substantially the

same as those in **claim 8**. Therefore, the supporting rationale of the rejection to

claim 8 applies equally as well to **claim 23.**

Regarding **Claims 26,** the claim limitations of this claim is substantially the

same as those in **claim 22,** but rather in a computer program module. Therefore,

the supporting rationale of the rejection to **claim 22** applies equally as well to

claim 26.

Regarding **Claims 27,** the claim limitations of this claim is substantially the same as those in **claim 3**. Therefore, the supporting rationale of the rejection to **claim 3** applies equally as well to **claim 27.**

Regarding **Claims 28,** the claim limitations of this claim is substantially the same as those in **claim 5**. Therefore, the supporting rationale of the rejection to **claim 5** applies equally as well to **claim 28.**

Regarding **Claims 31,** the claim limitations of this claim is substantially the same as those in **claim 8**. Therefore, the supporting rationale of the rejection to **claim 8** applies equally as well to **claim 31.**

Regarding **Claims 32,** the claim limitations of this claim is substantially the same as those in **claim 9**. Therefore, the supporting rationale of the rejection to **claim 9** applies equally as well to **claim 32.**

Regarding **Claims 33,** the claim limitations of this claim is substantially the same as those in **claim 10**. Therefore, the supporting rationale of the rejection to **claim 10** applies equally as well to **claim 33.**

Regarding **Claims 37,** the claim limitations of this claim is substantially the same as those in **claim 22**, but rather in means for function form. Therefore, the supporting rationale of the rejection to **claim 22** applies equally as well to **claim 37.**

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

  1.   Determining the scope and contents of the prior art.
  2.   Ascertaining the differences between the prior art and the claims at issue.
  3.   Resolving the level of ordinary skill in the pertinent art.
  4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

10.   Claims 6, 7, 12,13, 20, 21, 24, 29, 30, 35 and 36 are rejected under 35

U.S.C. 103(a) as being unpatentable over **Talwar et al. (publication no.: US**

2005/0027863 A1) in view of **Lumelsky et al. (patent no.: US 6,460,082 A1).**

        With regard to **claim 6,** Talwar teaches all the claimed limitations, except

that he does not explicitly teach a method of terminating the reservation of the

performance resource in response to a client reclamation operation, the client

reclamation operation reclaiming the performance resource and making the

performance resource unavailable to the grid computing system.

        In the same field of endeavor, Lumelsky teaches a method of terminating

the reservation of the performance resource in response to a client reclamation

operation, the client reclamation operation reclaiming the performance resource

(Lumelsky, col. 11, lines 31-56, noted that a new policy can be generated in re-

claiming the resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of reclaiming a new resource in the distributed system as taught by Lumelsky in Talwar's invention in order to optimize and maximize the usage of the available resource.

With regard to **claim 7,** Talwar teaches all the claimed limitations, except that he does not explicitly teach a method of reserving another performance resource for a grid computing operation, wherein the other performance resource is the same type of performance resource as the reclaimed performance resource.

In the same field of endeavor, Lumelsky teaches a method of reserving another performance resource for the grid computing operation (Lumelsky, col. 11, lines 31-56, noted that a new policy can be generated in re-claiming new resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of reclaiming a new resource in the distributed system as taught by Lumelsky in Talwar's invention in order to optimize and maximize the usage of the available resource.

With respect to **claim 12,** Talwar teaches all the claimed limitations, except that he does not explicitly teach a method of storing a plurality of profile histories, each of the plurality of profile histories comprising a history of a performance parameter resource.

In the same field of endeavor, Lumelsky teaches a method of storing a plurality of profile histories (Lumelsky, col. 4, lines 14-22, noted the usage history).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of storing a plurality of profile histories as taught by Lumelsky in Talwar's invention in order to calculate cost of service for clients (Lumelsky, col. 4, lines 21-22).

With respect to **claim 13,** Talwar teaches all the claimed limitations, except that he does not explicitly teach a method of subscribing profile histories to a subscription manager in calculating a client subscription fee based at least in part on the one of the plurality of profile histories.

In the same field of endeavor, Lumelsky teaches a method subscribing profile histories to a subscription manager in calculating a client subscription fee based at least in part on the one of the plurality of profile histories (Lumelsky, col. 4, lines 14-22, noted that the history of resource consumption service is used to calculate the cost of service for clients).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method subscribing profile histories to a subscription manager in calculating a client subscription fee as taught by Lumelsky in Talwar's invention in order to precisely calculate the service fee for clients.

Regarding **Claims 20,** the claim limitations of this claim is substantially the same as those in **claim 13**. Therefore, the supporting rationale of the rejection to **claim 13** applies equally as well to **claim 20.**

With respect to **claim 21,** Talwar teaches all the claimed limitations, except that he does not explicitly teach a method of subscribing to a subscription manager to manage the allocated performance resource and to control the level of service available to the local on-demand management apparatus.

In the same field of endeavor, Lumelsky teaches a method of subscribing to a subscription manager to manage the allocated performance resource (Lumelsky, col. 4, lines 14-22, noted that the history of resource consumption service is used to calculate the cost of service for clients) and to control the level of service available to the local on-demand management apparatus (Lumelsky, col. 4, lines 23-29, noted the QoS).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of controlling the level of service available as taught by Lumelsky in Talwar's invention in order to the best QoS to the clients.

Regarding **Claims 24,** the claim limitations of this claim is substantially the same as those in **claim 6**. Therefore, the supporting rationale of the rejection to **claim 6** applies equally as well to **claim 24.**

Regarding **Claims 29,** the claim limitations of this claim is substantially the same as those in **claim 6**. Therefore, the supporting rationale of the rejection to **claim 6** applies equally as well to **claim 29.**

Regarding **Claims 30,** the claim limitations of this claim is substantially the

same as those in **claim 7**. Therefore, the supporting rationale of the rejection to

claim 7 applies equally as well to **claim 30.**

Regarding **Claims 35,** the claim limitations of this claim is substantially the

same as those in **claim 12**. Therefore, the supporting rationale of the rejection to

claim 12 applies equally as well to **claim 35.**

Regarding **Claims 36,** the claim limitations of this claim is substantially the

same as those in **claim 13**. Therefore, the supporting rationale of the rejection to

claim 13 applies equally as well to **claim 36.**

11.   Claims 11, 14, 15, 17, 18 and 34 are rejected under 35 U.S.C. 103(a) as

being unpatentable over **Talwar et al. (publication no.: US 2005/0027863 A1)**

in view of **Bartlett et al. (publication no.: US 2004/0064480 A1).**

With respect to **claim 11,** Talwar teaches all the claimed limitations,

except that he does not explicitly teach a method of synchronizing one of the

stored client profiles with a local client profile stored on a client.

In the same field of endeavor, Bartlett teaches a method synchronizing

one of the stored client profiles with a local client profile stored on a client

(Bartlett, page 13, paragraph 175).

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time of the invention to incorporate the method of synchronizing the

stored client profiles with a local client profile stored on a client as taught by

Bartlett in Talwar's invention in order to update the latest information of the clients.

With respect to **claim 14,** Talwar teaches a local on-demand management apparatus for user control of a system resource on a grid computing system (Talwar, fig. 2), the apparatus comprising:

a client user input module configured to allow a user to input a client parameter control request (Talwar, page 2 paragraph 16, and page 3 paragraph 28, noted that the end-user submits request to interact with DRM module), the parameter control request corresponding to a client performance parameter of the grid computing system, the client performance parameter corresponding to a client performance resource (Talwar, page 3, paragraph 28, noted that the end-user specifies a list of desired application/resource to interact with);

a client allocation module configured to allocate the client performance resource to the grid computing system (Talwar, page 2 paragraph 16 and page 3 paragraph 28, noted that the end-user launches applications to interact with the remote execution node);

a client profile management module configured to store a client profile in a memory device, the client profile comprising the client performance parameter of the client performance resource allocated to the grid computing system (Talwar, page 3, paragraph 28, noted the user membership directory); and

However, Talwar does not explicitly teach a method of synchronizing the client performance parameter with one of a plurality of client profiles.

In the same field of endeavor, Bartlett teaches a method synchronizing one of the stored client profiles with a local client profile stored on a client (Bartlett, page 13, paragraph 175).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of synchronizing the stored client profiles with a local client profile stored on a client as taught by Bartlett in Talwar's invention in order to update the latest information of the clients.

With respect to **claim 15,** Talwar teaches the apparatus of claim 14, further comprising a client parameter module configured to dynamically change the client performance parameter according to the client parameter control request (Talwar, page 3, paragraphs 27-28, noted that the contract engine, which is based on the end-user's request can be generated dynamically).

With respect to **claim 17**, Talwar teaches the apparatus of claim 14, wherein the client user input module receives the client parameter control request from the global on-demand apparatus (Talwar, page 2, paragraph 16).

With respect to **claim 18,** Talwar teaches the apparatus of claim 14, wherein the client performance parameter is one of client accessibility, client bandwidth allocation, processor allocation, storage allocation, memory allocation, backup recoverability, and backup proximity (Talwar, page 2, paragraphs 20-22, noted that the end-user specifies the bandwidth and other resources needed for the requested session).

Regarding **Claims 34,** the claim limitations of this claim is substantially the same as those in **claim 11**. Therefore, the supporting rationale of the rejection to **claim 11** applies equally as well to **claim 34.**

12.   Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Talwar et al. (publication no.: US 2005/0027863 A1)** in view of **Bartlett et al. (publication no.: US 2004/0064480 A1)** and **Lumelsky et al. (patent no.: US 6,460,082 A1).**

With respect to **claim 16,** the combined method of Talwar and Bartlett teaches all the claimed limitations, except that they do not explicitly teach a method of reclaiming the client performance resource and make the client performance resource unavailable to the grid computing system in response to a client reclamation operation.

In the same field of endeavor, Lumelsky teaches a method of reclaiming the client performance resource and make the client performance resource unavailable to the grid computing system in response to a client reclamation operation (Lumelsky, col. 11, lines 31-56, noted that a new policy can be generated in re-claiming the resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of reclaiming a new resource in the distributed system as taught by Lumelsky in the combined method of Talwar and Bartlett invention in order to optimize and maximize the usage of the available resource.

With respect to **claim 25,** Talwar teaches a method for user control of a system resource on a grid computing system, the method comprising:

allowing a user to input a parameter control request, the parameter control request corresponding to a performance parameter of the grid computing system (Talwar, page 2 paragraph 16, and page 3 paragraph 28, noted that the end-user submits request and specifies a list of desired application/resource to interact with);

dynamically changing the performance parameter according to the parameter control request, the performance parameter corresponding to a performance resource (Talwar, page 3, paragraphs 27-28, noted that the contract engine, which is based on the end-user's request can be generated dynamically);

reserving the performance resource for a grid computing operation (Talwar, page 2 paragraph 16 and page 3 paragraph 28, noted that the DRM module matches the user's requirement in order to reserve and allocate available resource to interact with end-user);

storing a network profile (Talwar, page 2 paragraph 16 and paragraph 23, noted the authorization policies), the network profile comprising a network performance parameter of a network performance resource available to the grid computing system (Talwar, page 2, paragraphs 16-17);

storing a global client profile in a memory device, the global client profile descriptive of a global client performance resource parameter (Talwar, page 3, paragraph 28, noted the user membership directory);

storing a plurality of client profiles, each of the plurality of client profiles comprising a client performance parameter of a client performance resource available to the grid computing system (Talwar, page 3, paragraph 28, noted the user membership directory).

However, Talwar does not explicitly teach a method of terminating the reservation of the performance resource in response to a client reclamation operation, the client reclamation operation reclaiming the performance resource and making the performance resource unavailable to the grid computing system; reserving another performance resource for the grid computing operation, the other performance resource similar to the reclaimed performance resource; and synchronizing one of the stored client profiles with a local client profile stored on a client.

In the same field of endeavor, Lumelsky teaches a method of terminating the reservation of the performance resource in response to a client reclamation operation, the client reclamation operation reclaiming the performance resource and reserving another performance resource for the grid computing operation, (Lumelsky, col. 11, lines 31-56, noted that a new policy can be generated in re-claiming the new resource).

The combined method of Talwar and Lumelsky does not explicitly teach the method of synchronizing one of the stored client profiles with a local client profile stored on a client.

In the same field of endeavor, Bartlett teaches a method synchronizing

one of the stored client profiles with a local client profile stored on a client

(Bartlett, page 13, paragraph 175).

Response to Arguments

13.   Applicant's arguments filed on 11/16/2007 have been fully considered but

they are not persuasive.

14.   In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., "Talwar does not appear to describe any other types of requests from

the end-user") are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not

read into the claims. See _In re Van Geuns_, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993).

15.   In response to applicant's argument that "The interactive session request

and the application request described in Talwar are not parameter control

requests. As described in the specification of the present application, and recited

in the claim, the parameter control request corresponds to a performance

parameter of the grid computing system. Exemplary types of performance

parameters are described, including network performance parameters and client

performance parameters. In contrast, Talwar does not describe the interactive

session request or the application request as relating to any type of performance

parameter of the grid computing system. Hence, the interactive session request

and the application request are not parameter control requests. Therefore,

Talwar does not disclose allowing a user to input a parameter control request, as

recited in the claim. "

16.   The examiner respectfully disagrees. Examiner would like to point out that

the term "a parameter control request" inputted by a user is a very broad and

abstract term, which is not explicitly defined in the present claim language. In

addition, the present claim language does not explicitly require different "types of

requests from the end-user". Therefore, the examiner interprets the term "a

parameter control request" as any type of request submit by an end-user.

Similarly, in the case of Talwar, Talwar discloses that an end-user submits a job

request to access the remote node for graphical interactive uses. [see Talwar,

page 2, paragraph 16].

17.   Furthermore, Talwar also does teach that the job request submitted by the

end-user corresponds to a network performance parameter and client

performance parameter. This is evidenced in page 2, paragraphs 16 and 20-22,

noted that upon user's job request submission to the remote node, CPU usage

and network bandwidth requirements are determined for the requested client.

18.   Applicant has had an opportunity to amend the claimed subject matter,

and has failed to modify the claim language to distinguish over the prior art of

record by clarifying or substantially narrowing the claim language. Thus,

Applicant apparently intends that a broad interpretation be given to the claims

and the Examiner has adopted such in the present and previous Office action

rejections. See In re Prater and Wei, 162 USPQ 541 (CCPA 1969), and MPEP

2111.

19.   Applicant employs broad language, which includes the use of word, and

phrases, which have broad meanings in the art. In addition, Applicant has not

argued any narrower interpretation of the claim language, nor amended the

claims significantly enough to construe a narrower meaning to the limitations. As

the claims breadth allows multiple interpretations and meanings, which are

broader than Applicant's disclosure, the Examiner is forced to interpret the claim

limitations as broadly and as reasonably possible, in determining patentability of

the disclosed invention. Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See

In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

20.   Failure for Applicant to significantly narrow definition/scope of the claims

and supply arguments commensurate in scope with the claims implies the

Applicant intends broad interpretation be given to the claims. The Examiner has

interpreted the claims with scope parallel to the Applicant in the response, and

reiterates the need for the Applicant to more clearly and distinctly defines the

claimed invention.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

22.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Lin Liu whose telephone number is (571) 270-

1447. The examiner can normally be reached on Monday - Friday, 7:30am -

5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./
Examiner, Art Unit 2145
/Lin Liu/

Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145